

**01330**

**1990/12/24**



MSGNO 12 (STXX) IRA 4/12/80 02:11  
SECURITY MINISTRY OFFICIAL ACCEPTED -- WITHOUT PLUGGING  
ANY ACTION -- A LIST OF SOME 150 INDIVIDUALS BELIEVED  
INCARCERATED FOR NON-VIOLENT EXPRESSION OF VIEWS,  
PRACTICE OF RELIGION, OR PUBLIC ASSEMBLY. WELL-  
ATTENDED EMBASSY-HOSTED LUNCHES DURING THE VISIT  
AND A RECEPTION AT THE AMBASSADOR'S RESIDENCE  
DEMONSTRATED STRONG WESTERN SOLIDARITY ON HUMAN  
RIGHTS ISSUES TO THE CHINESE AND HELPED TO ENSURE  
THAT OTHER EMBASSIES IN BEIJING WERE CONVEYING A  
MESSAGE CONSISTENT WITH OURS ON HUMAN RIGHTS.  
ATTENDEES INCLUDED EC, JAPANESE, AND AUSTRALIAN  
AMBASSADORS.

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[REDACTED] IN SUM, A/S  
SCHIFTER MANAGED A HIGHLY DELICATE TRIP TO THE PRC  
THAT WOULD HAVE SEEMED IMPOSSIBLE ONLY A FEW MONTHS  
AGO WITH GREAT FINESSE. THERE WERE NO BREAKTHROUGHS  
OTHER THAN THE VISIT ITSELF; BUT IN THE POST-JUNE  
1989 CLIMATE THAT REPRESENTS A SIGNIFICANT ADVANCE.  
END INTRODUCTION AND SUMMARY.

3. DURING TWO DAYS OF CRAM-PACKED SCHEDULING IN  
BEIJING DECEMBER 18-19, ASSISTANT SECRETARY OF  
STATE FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS  
RICHARD SCHIFTER, ACCCOMPANIED BY PAP/CM DIRECTOR  
KENT WIEDEMANN, MET WITH SENIOR OFFICIALS FROM EIGHT  
MINISTERIAL-LEVEL STATE ORGANS: THE MINISTRY OF  
FOREIGN AFFAIRS, WHICH "INVITED" HIM AND ORCHESTRATED  
THE PROGRAM; THE MINISTRY OF PUBLIC SECURITY; THE  
MINISTRY OF JUSTICE; THE SUPREME PEOPLE'S COURT; THE  
STATE COUNCIL RELIGIOUS AFFAIRS BUREAU; THE STATE  
COUNCIL NATIONALITIES COMMISSION; THE STATE EDUCATION  
COMMISSION; AND THE STATE FAMILY PLANNING COMMISSION.  
THE AMBASSADOR, THE DCM, THE POLITICAL MINISTER-  
COUNSELLOR, AND OTHER EMBASSY OFFICERS ATTENDED  
ALL OF THE MEETINGS. IN EACH OF THESE SESSIONS  
A/S SCHIFTER HIGHLIGHTED FOR HIS HOSTS THE SPECIFIC  
AREAS WHICH HAD GIVEN RISE TO CONCERNS IN THE U.S.,  
AND IN THE WEST GENERALLY, ABOUT CHINESE LEGAL AND  
SOCIAL PRACTICES IMPINGING UPON AN INDIVIDUAL'S  
FREE EXERCISE OF INTERNATIONALLY-ACCEPTED RIGHTS  
AND FREEDOMS. NOTING THAT THE PRESIDENT AND THE  
SECRETARY HAD RECENTLY UNDERSCORED SUCH SPECIFIC  
CONCERNS IN THEIR RESPECTIVE MEETINGS IN WASHINGTON  
WITH FOREIGN MINISTER QIAN QICHEN, A/S SCHIFTER  
EXPLAINED THAT HE HAD BEEN CHARGED WITH FOLLOWING  
UP ON THAT DIALOGUE. HUMAN RIGHTS MATTERS WERE, AS  
THE SECRETARY HAD SAID, A CORNERSTONE OF U.S. FOREIGN  
POLICY; THEY WERE THUS, INEVITABLY, ALSO ON THE AGENDA  
OF U.S.-CHINA BILATERAL RELATIONS.  
CHINESE OBJECTIVES:

4. BEIJING'S AGREEMENT TO RECEIVE, AND EVENTUALLY TO  
INVITE AND HOST, A/S SCHIFTER WAS UNPRECEDENTED. IT  
SIGNIFIES, AT MINIMUM, A FACIT

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ACKNOWLEDGEMENT THAT "HUMAN RIGHTS" QUESTIONS ARE NOW  
FIRMLY ON THE BILATERAL AGENDA, LIKE IT OR NOT. WE  
SUSPECT THAT THE VISIT AND ESPECIALLY THE MANAGEMENT OF  
IT WAS ALMOST WHOLLY A FOREIGN MINISTRY OPERATION.

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CERTAINLY AMBASSADOR ZHU QICHEN'S RECOMMENDATION -- BASED ON TWO EXTENDED EXCHANGES IN WASHINGTON WITH SCHIFTER -- MUST HAVE PLAYED A KEY PART IN CONVINCING BEIJING'S LEADERSHIP THAT SUCH A VISIT COULD BE POSITIVE. AND IT IS OUR STRONG IMPRESSION THAT IT WAS THE MFA AS HOST, WHICH KNOCKED THE HEADS TOGETHER AND LOBBIED INTENSIVELY TO GET AS FULL (ALBEIT NOT AS HIGH-LEVEL) A SCHEDULE AS EVENTUALLY EMERGED.

5. THE VIEW OF CHINESE DIPLOMATIC PROFESSIONALS IS NOT HARD TO FATHOM: WHY NOT HOST A SCHIFTER VISIT IF CHINA'S INTERNATIONAL IMAGE, AND ESPECIALLY IN THE U.S. CONGRESS, WILL PREDICTABLY BE ENHANCED? BETTER TO ANSWER, AND BLUNT, CRITICISMS FROM ABROAD. THE MFA PROFESSIONALS MAY HAVE REASONED, THAN TO STICK STUBBORNLY TO THE OLD, COUNTERPRODUCTIVE APPROACH OF DENYING THE EXISTENCE OF ANY INTERNATIONAL STANDARDS OF HUMAN RIGHTS.

VISIT MANAGEMENT:

5. THE CHINESE DENIED A/S SCHIFTER'S REQUEST TO VISIT WITH PERSONS INCARCERATED AT BEIJING'S INFAMOUS QINCHENG PRISON, DECLARING SIMPLY THAT THIS FACILITY WAS NOT OPEN TO THE OUTSIDE. PLEADING THE PRESS OF BUSINESS OWING TO THE FORTHCOMING PARTY SEVENTH PLENUM, THE CHINESE INDICATED THAT MEETINGS WITH POLITBURO MEMBERS WOULD NOT BE POSSIBLE (THIS EXCUSE AS THEY SAY, ALSO HAS THE MERIT OF BEING TRUE IN THIS INSTANCE). THE CHINESE TOLD US [REDACTED] THAT A DECISION HAD BEEN MADE EARLY ON TO RESTRICT A/S SCHIFTER'S MEETINGS IN BEIJING TO THE VICE-MINISTERIAL LEVEL: THIS WAS NOT ONLY THE APPROPRIATE PROTOCOLARY LEVEL (ABOVE WHICH QUESTIONS WOULD HAVE BEEN POSED DOMESTICALLY), BUT IT SERVED BEIJING'S "STRONG INTEREST" IN PLAYING THE VISIT LOW KEY. (NOTE: THIS WAS, OF COURSE, PRECISELY THE SAME LEVEL THE USG RECEIVED MOFERT VICE MINISTER GU YONGJIANG IN WASHINGTON THE WEEK BEFORE. END NOTE.) THE CHINESE TOLD US SUBSEQUENTLY THAT THEY SIMPLY HAD A DIFFERENCE IN VIEW AND REQUIREMENT: WHILE THEY COULD GRASP OUR REASONS FOR DESIRING A HIGH-PROFILE VISIT, WE SHOULD ALSO REALIZE THAT DOMESTIC SENSITIVITIES DEMANDED THE OPPOSITE.

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7. WHATEVER THE INTERNAL PRESSURES AND DESIDERATA, THE CHINESE PUBLIC HANDLING OF THE VISIT BORDERED ON THE BIZARRE. A/S SCHIFTER'S ARRIVAL WAS NOTED BRIEFLY IN PEOPLE'S DAILY (RENMIN RIBAO) AND OTHER ORGANS WITHOUT ANY MENTION OF HIS TITLE. THE IMPRESSION WAS LEFT THAT A SENIOR AMERICAN STATE DEPARTMENT OFFICIAL HAD COME TO DISCUSS AN ARRAY OF UNSPECIFIED BILATERAL ISSUES. AT THE MFA WEEKLY PRESS BRIEFING THE DAY AFTER HIS DEPARTURE FROM BEIJING, SPOKESMAN JI ZHAOXING MANAGED TO LEAVE THE IMPRESSION THAT HUMAN RIGHTS MATTERS HAD NOT FIGURED IN A/S SCHIFTER'S TALKS. INTERNALLY, OF COURSE, THE CHINESE WILL REPLAY FOREIGN PRESS ARTICLES AND CIRCULATE THEIR MORE CANDID ASSESSMENT OF THE VISIT'S RESULTS. WE HAVE ENCOURAGED THEM TO GIVE THIS ASSESSMENT A HIGHLY POSITIVE SPIN.

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B. OTHERWISE, A/S SCHIFTER GOT THE SITTINGS HE HAD REQUESTED, SAVE WITH THE PROCURATURAIE, ALTHOUGH THAT LACUNA MAY HAVE BEEN ACCIDENTAL, THE PRODUCT OF SCHEDULING DIFFICULTIES. WE IMAGINE THAT THE EXPLANATION MIGHT BE SIMPLER: A DESIRE TO AVOID AN ENCOUNTER IN WHICH A/S SCHIFTER WOULD HAVE ASKED THE INDICTMENT-ISSUING BODY FOR PARTICULARS OF CASES PENDING AGAINST PERSONS INCARCERATED FOLLOWING THE JUNE 1989 CRACKDOWN.  
9. AS IN SHANGHAI, THE CONTENT OF THE DIALOGUE VARIED ACROSS A BROAD SPECTRUM. IN GENERAL, A/S SCHIFTER MET WITH THE SAME INTERLOCUTORS AND DISCUSSED THE SAME GENERAL ISSUES, AS HAS THE EMBASSY OVER THE PAST YEAR OR SO. WHAT WAS NEW WAS THE WILLINGNESS ON THE PART OF THE CHINESE GOVERNMENT TO RECEIVE A SENIOR OFFICIAL RESPONSIBLE EXCLUSIVELY FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS. WHETHER A/S SCHIFTER'S INTERLOCUTORS WERE DISPOSED TO FILIBUSTER OR TO ENGAGE IN SOMETHING AKIN TO REAL GIVE-AND-TAKE, THEY PREDICTABLY DEFENDED VIGOROUSLY THE CHINESE POSITION, CLAIMED WESTERN MISUNDERSTANDING OF CHINESE REALITIES, AND INSISTED ON CHINA'S RIGHT TO FORMULATE AND EXECUTE LAWS ACCORDING TO ITS SOCIALIST SYSTEM AND UNIQUE NATIONAL CONDITIONS. IN GENERAL, THE FOREIGN MINISTRY, PUBLIC SECURITY MINISTRY, THE STATE EDUCATION COMMISSION AND THE FAMILY PLANNING COMMISSION PRESENTED THOUGHTFUL AND REASONED EXPOSITIONS, REPLETE WITH LEGAL REFERENCES AND STATISTICS. AT THE OTHER END OF THE SPECTRUM, THE SUPREME PEOPLE'S COURT [REDACTED] BLOW-BY-BLOW LECTURE ON CHINA'S "LEGAL SYSTEM": THE MINISTRY OF JUSTICE OFFICIALS [REDACTED]

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REGALED US WITH PAEANS TO THE GLORIES OF REFORM-THROUGH-LABOR, EVADING A/S SCHIFTER'S BEST EFFORTS TO CUT THROUGH TO THE KEY ISSUES; THE RELIGIOUS AFFAIRS BRIEFER RECALLED -- LENGTHILY -- THE HISTORY OF MISSIONARY AND OTHER FOREIGN INVOLVEMENT IN CHINA, DODGING QUERIES ON THE CURRENT SCENE; AND THE NATIONALITIES COMMISSION OFFICIAL RELATED [REDACTED] THAT HE AND EVERYONE TREASURED THE TIBETANS FOR THEIR LOCAL DRAMA AND OTHER TRADITIONS.

10. THE POSITIVE FEATURE IN ALL THIS (AGAIN, SEE SEPTELS FOR THE DETAILS) WAS SIMPLY THAT CHINESE OFFICIALS ACROSS THE BOARD WERE ENGAGED IN A DISCUSSION -- OR, AT LEAST, OBLIGED TO LISTEN POLITELY TO A PRESENTATION -- OF INTERNATIONAL MORAL NORMS, THE CONTENT OF THE UNIVERSAL DECLARATION ON HUMAN RIGHTS, THE SPECIFIC AREAS OF CONCERN TO AMERICANS AND OTHER WESTERNERS, AND THE REASONS WHY ALL THIS WAS RELEVANT TO CHINA'S BILATERAL RELATIONS WITH OTHER NATIONS. AT NO TIME DID THE CHINESE CHALLENGE OUR RIGHT TO MAKE SUCH POINTS, EVEN WHEN DELIVERED WITH BLUNT PRECISION BY A/S SCHIFTER; AT NO TIME WAS THERE EVOKED THE SPECTRE OF UNWARRANTED "FOREIGN INTERFERENCE" IN CHINESE INTERNAL AFFAIRS... WITH ULTERIOR MOTIVES." AND WHILE COMMITMENTS WERE PHRASED VAGUELY AT BEST, THERE WAS NO INCLINATION ON THE CHINESE SIDE TO DENY THAT SUCH DIALOGUE, IF "APPROPRIATELY" HANDLED, MIGHT CONTINUE.

11. ANOTHER INDICATOR OF WHAT WE ARE INCLINED TO SEE AS GREATER CHINESE FINESSE (IF NOT GREATER DEDICATION TO HUMAN RIGHTS) WAS THE HANDLING OF THE GE XUN CASE. A/S SCHIFTER HAD MENTIONED IN PASSING HIS, AND THE USG, INTEREST IN THE CASE. (WE HAD MADE KNOWN THIS INTERES

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EXPLICITLY IN ADVANCE OF A/S SCHIFTER'S ARRIVAL AND  
HAD BEEN IN CONTACT WITH GE XUN DURING HIS QUILISTIC  
STAY IN BEIJING.) IN THE EVENT, THE CHINESE HANDLED  
GE FIRMLY BUT NON-CONFRONTATIONALLY, NOT STANDING IN THE  
WAY OF HIS DEPARTURE BACK TO THE SERENITY (AND PREDICTABLE  
LEGAL SYSTEM) OF TEXAS.  
OTHER NUGGETS AND NOTEWORTHY ITEMS

12. PUBLIC SECURITY MINISTRY ASSISTANT MINISTER  
WANG JINGRONG, A SUAVE CAREER PROFESSIONAL, ACCEPTED  
WITHOUT OBJECTION A/S SCHIFTER'S PREFERRED LIST OF SOME  
150 NAMES OF PERSONS BELIEVED INCARCERATED FOR A VARIETY  
OF NON-VIOLENT ACTIONS. THIS WAS THE MOST COMPREHENSIVE  
SUCH LIST PRESENTED THE CHINESE, AND THE HIGHEST-LEVEL  
PRESENTATION MADE IN BEIJING. WE SHOULD BEAR IN MIND,  
HOWEVER, THAT ASST MIN WANG MADE NO COMMITMENTS  
REGARDING THE LIST, AND WE HAVE HAD NO RESPONSE  
WHATSOEVER TO LISTS PREVIOUSLY PRESENTED IN THE U.S. AND  
AT THE WORKING LEVEL IN BEIJING. EMBASSY ALSO PROVIDED  
HIM WITH A LETTER FROM A/S SCHIFTER REITERATING FIVE  
SPECIFIC HUMAN RIGHTS QUESTIONS RAISED IN THEIR  
MEETING.

13. MINISTRY OF JUSTICE OFFICIALS [REDACTED] 131

[REDACTED] MADE ONE INTRIGUING REVELATION: THERE IS  
NOW IN THE DRAFT STAGE A "LAW ON LAWYERS" WHICH WOULD  
PROVIDE FOR ACCESS TO LEGAL COUNSEL IMMEDIATELY UPON  
BEING PICKED UP BY THE AUTHORITIES. WHILE MOJ FOREIGN  
OFFICE DIRECTOR XU WAS CAREFUL TO OBSERVE THAT THE  
PROCESS OF DRAFTING AND PASSAGE INTO LAW (VIA NATIONAL  
PEOPLE'S CONGRESS) COULD BE LENGTHY, HE ALSO ALLOWED  
HIMSELF A "PERSONAL" COMMENT THAT PASSAGE WOULD BE A  
GOOD THING. AS A/S SCHIFTER HAD POINTED OUT, EARLY  
ACCESS TO COUNSEL BOTH PRECLUDED INVESTIGATIVE ABUSES  
SUCH AS TORTURE AND ALLEVIATED CONCERN ON THE PART OF  
FAMILIES ABOUT THE ACCUSED.

14. PERHAPS CARRIED AWAY BY THIS UNEXPECTED AREA OF  
PARTIAL AGREEMENT, XU TOLD A/S SCHIFTER THAT SINCE  
CHINESE TRIALS WERE LEGALLY "OPEN" IT WAS "OF COURSE"  
POSSIBLE FOR OUTSIDERS INCLUDING EMBASSY OFFICERS TO  
ATTEND AS OBSERVERS. XU QUICKLY RETREATED FROM THIS,  
HOWEVER, DECLARING -- CORRECTLY AS IT HAPPENS -- THAT  
SUCH DECISIONS WERE NOT IN THE DOMAIN OF THE MOJ, BUT  
WERE UP TO THE DISCRETION OF THE COURTS. (THE COURTS  
TYPICALLY DEFINE "OPEN" AS MEANING THAT A FAMILY MEMBER  
OR DESIGNATED FRIEND HAVING THE PROPER CREDENTIALS  
CAN ATTEND. TRIALS ARE NOT "OPEN" IN THE WESTERN SENSE.)

15. A/S SCHIFTER ELICITED SOME SEEMINGLY SPONTANEOUS,  
AND INTRIGUING, MUSINGS ON THE NATURE OF  
COUNTER-REVOLUTIONARY CRIMES BY MPS ASST MIN WANG AND  
BY VICE FOREIGN MINISTER TIAN ZENGPEI. TIAN, EVIDENTLY  
FASCINATED BY THE THEORY, WONDERED ABOUT THE LEGAL  
CONNECTIONS IN WESTERN PRACTICE BETWEEN EXPRESSION OF A  
THOUGHT, COMMISSION OF A (VIOLENT) DEED, AND CONSEQUENCES  
(SUCCESSFUL OR NOT) OF THE DEED. ASST MIN WANG DEFENDED  
UNRESERVEDLY THE STATE'S RIGHT TO PROSECUTE THOSE WHO  
SEEK TO SUBVERT AND OVERTHROW IT, BUT HE TOO SEEMED AT  
SOMETHING OF A LOSS IN ATTEMPTING TO EXPLAIN TO A/S  
SCHIFTER PRECISELY HOW AN UNARMED, PEACEFUL DEMONSTRATOR  
COULD THREATEN A STATE BACKED BY THE ARMY AND THE POLICE.

16. ALTHOUGH STATE FAMILY PLANNING COMMISSION VICE  
MINISTER PENG YU GAVE A STRIKINGLY OPEN AND SOPHISTICATED

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BRIEF SHE BROKE NO PARTICULARLY NEW GROUND IN HER PRESENTATION. IT WAS USEFUL, HOWEVER, TO HAVE REITERATED AND ELABORATED THE ADAMANT OFFICIAL POSITION OPPOSING COERCED ABORTION. MADAME PENG (A MEDICAL DOCT PRIOR TO HER MINISTRY CAREER) EXPLAINED THAT OFFENDERS -- THAT IS, STATE CADRES WHO EXCEEDED OR ABUSED THEIR AUTHORITY TO COERCE ABORTIONS -- WERE METED OUT ADDITIONAL COMPULSORY EDUCATION OR TRAINING WHEN SUCH ABUSES CAME TO LIGHT. SHE INSISTED THAT COMPLAINTS HAD LESSENED SIGNIFICANTLY IN RECENT YEARS.

17. THE STATE EDUCATION COMMISSION PRESENTATION WAS SIMILARLY DETAILED, AND SIMILARLY FAMILIAR. A/S SCHIFTER'S INTERLOCUTORS STATED FLATLY THAT CHINESE AUTHORITIES HAD NEVER REFUSED AN EXIT PERMIT TO A CHINESE STUDENT RETURNING FROM THE U.S. OR ELSEWHERE FOR A BRIEF FAMILY VISIT OR VACATION -- NOTWITHSTANDING ACTIVITIES IN WHICH THEY MAY HAVE PARTICIPATED DURING SPRING 1989 OUTSIDE OF CHINA.

CONCLUSION

18. A/S SCHIFTER'S FIRM, BUT NON-CONFRONTATIONAL APPROACH WAS JUST RIGHT FOR THIS DELICATE MISSION. CHINESE MFA OFFICIALS TOLD US THERE WERE VARYING ASSESSMENTS OF THE MEETINGS, BUT OVERALL THEY WERE QUITE PLEASED WITH THE TRIP. WE ENCOURAGED THAT POSITIVE ASSESSMENT. WE WOULD NOT ARGUE THERE WERE BREAKTHROUGHS OTHER THAN THE FACT OF THE VISIT ITSELF. BUT IN THE POST-6/89 CLIMATE IN CHINA, THAT BY ITSELF REPRESENTS A SIGNIFICANT ADVANCE. LILLEY  
END OF MESSAGE

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